REMARKS

The Final Office Action, mailed May 1, 2007, considered claims 1, 3-44 and 46-51. Claims 1, 23, 40, 45 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475).[1][2]

By this amendment claims 1, 21-23, 32, 40-44 and 46-51 have been amended.[3] Claims 1, 3-44 and 46-51 are pending, of which claims 1, 22, 23 and 40 are the only independent claims at issue.

The present invention is generally directed to logging messages during the testing of a software application. For example, claim 1 defines receiving a configuration request, the configuration request indicating a selection of a set of one or more logging software objects separate from the application being tested that are to be instantiated for logging messages in a

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Further claim rejections include the following: Claims 3, 46 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Elmore et al. (US 2006/0059107 A1). Claims 4, 5, 9, 43, 51 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Austen et al. (US 6,842,870 B2). Claims 6-8, 41-42 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Josyula et al. (US 2004/0028059 A1). Claims 10, 13-14 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Currey et al. (US 6,769,079 B1). Claims 11, 47 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Currey et al. (US 6,769,079 B1) and further in view of Chirashnya et al. (US 6,598,179 B1). Claims 12 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Currey et al. (US 6,769,079 B1) and further in view of Suwaki (Event Report Management Method). Claims 15-18, 48-49 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Currey et al. (US 6,769,079 B1) and further in view of Maurille et al. (US 6,484,196 B1). Claims 19-22, 24, 50 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475), as applied to claim 1 above, and further in view of Kougiouris et al. (US 2005/0028171 A1). Claims 25, 28, 29 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) and further in view of Godbole et al. (US 5,768,475) in view of Kougiouris et al. (US 2005/0028171 A1) further in view of Austen et al. (US 6,842,870 B2). Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) in view of Godbole et al. (US 5,768,475) in view of Kougiouris et al. (US 2005/0028171 A1) and further in view Suwaki (Event Report Management Method). Claim 27 was rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) in view of Godbole et al. (US 5,768,475) in view of Kougiouris et al. (US 2005/0028171 A1) and further in view of Chirashnya et al. (US 6,598,179 B1). Claims 30-31 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) in view of Godbole et al. (US 5,768,475) as applied to claim 23, and further in view of Mohan (US 5,418,940). Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) in view of Godbole et al. (US 5,768,475) as applied to claim 23, and further in view of Elmore et al. (US 2006/0059107 A1). Claims 33-39 were rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) in view of Godbole et al. (US 5,768,475) as applied to claim 23, in view of Elmore et al. (US 2006/0059107 A1) and further in view of Kougiouris et al. (US 2005/0028171 A1). Claim 44 was rejected under 35 U.S.C. 103(a) as being unpatentable under Dawson et al (US 6,230,198) in view of Pankovein et al. (US 7,111,075 B2) in view of Godbole et al. (US 5,768,475) in view of Kougiouris et al. (US 2005/0028171 A1) further in view of Austen et al. (US 6,842,870 B2) and further in view of Josyula et al (US 2004/0028059 A1).

[3] Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to paragraphs [0006] and [0039] and Figures 2 & 4.

format different than the format used by the application being tested, the configuration request further indicating for each logging software object, which type of information is to be logged by the logging software object, the configuration request, including the format, type of information, and members of the selected set of logging software objects, having been dynamically entered by a computer user.

Next, claim 1 defines instantiating the set of one or more logging software objects according to the received configuration request. Next, claim 1 defines receiving a request to log a message from the application being tested. Lastly, claim 1 defines publishing the message to the dynamically selected set of one or more logging software objects defined in the configuration request, the publishing comprising creating a trace object that includes the message formatted in a uniform format that is utilized by each logging software object selected by the computer user to receive the logging messages.

Claim 22 is a computer program product claim corresponding to claim 1. Claim 23 is a system claim similar to claim 1. Claim 40 is a computer program product claim similar to claim 1. Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

Dawson describes a method and system for providing server-to-server event logging (Abs.) *Dawson* describes using specialized tags that indicate a source trail thereby avoiding unnecessary duplication of event logs between servers (Col. 2:9-36). Event messages contain an event identifier, pertinent text and a source trail indicating origin. *Pankovein* describes a method and system for processing data records having multiple formats. Each data record has a plug-in for each format used in the document. Each plug-in module, in turn, has a uniform interface for accessing the data (Col. 6:39-63). *Godbole* describes a method and apparatus for automatically constructing a data flow architecture. In *Godbole*, a user can control how the raw data will be stored by selecting a transform (Col. 3 38-43). The selectable transform is an expression that specifies some modifications or method of transforming the variables in a data set (Col. 1:47-50). However, only the transform type is user-selectable.

Neither *Dawson*, *Pankovein* nor *Godbole* teach or suggest receiving a configuration request indicating a selection of a set of one or more logging software objects separate from the application being tested that are to be instantiated for logging messages in a format different than

the format used by the application being tested. The configuration request further indicates, for each logging software object, which type of information is to be logged by the logging software object. The configuration request includes the format, type of information, and members of the selected set of logging software objects, the configuration request having been dynamically entered by a computer user, as recited in claim 1.

Furthermore, neither *Ref Dawson*, *Pankovein* nor *Godbole* teach or suggest publishing the message to the dynamically selected set of one or more logging software objects defined in the configuration request where the publishing includes creating a trace object including the message formatted in a uniform format that is utilized by each logging software object selected by the computer user to receive the logging messages, as recited in claim 1. At least for either of these reasons, claim 1 patentably defines over the art of record. At least for either of these reasons, claims 22, 23 and 40 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 22, 23 and 40, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

Claims 22, 40-44, 46-51 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims allegedly contained subject matter ("recordable-type") which was not described in the specification. Claims 22, 40-44 and 46-51 have been amended to no longer recite "recordable-type" media. Furthermore, with respect to claims 22, 40-44 and 46-51, Applicants do not intend for claims 22, 40-44 and 46-51 to include signals and do not intend for claims 22, 40-44 and 46-51 to be drawn to a form of energy. Accordingly, with respect to claims 22, 40-44 and 46-51, and only claims 22, 40-44 and 46-51, "computer-readable media" is defined so as to exclude "signals."[4] Applicants submit that this amendment overcomes the 35 U.S.C. 112, first paragraph rejection with respect to claims 22, 40-

[4] However, Applicants do not necessarily generally concede that a "signal" is non-statutory subject matter. A signal has physical properties that can be physically manipulated to temporarily store data in a meaningful format, such as, for example, as the data is transferred between computer systems. Further, as indicated in the Office Action, embodiments of the invention utilizing signals as computer-readable media are expressly described in the specification. Thus, Applicants intend that the language of claims 4-10 and 21-25 excludes "signals" from the meaning of "one or more physical storage media" only as applied to claims 4-10 and 21-25. However, the amendments to claims 4 and 21 are not intended as a general exclusion of embodiments of the invention that utilize "signals" as a form or type of computer-readable media. Accordingly, Applicants reserve the right to file additional claims reciting "computer-readable media" that include "signals" if deemed appropriate.

44 and 46-51. Accordingly, Applicants respectfully request that the 35 U.S.C. § 112, first paragraph rejection of claims 22, 40-44 and 46-51 be withdrawn.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

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Respectfully submitted,

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